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April 22, 2025

MEMO ENDORSED

VIA ECF

Hon. Jessica G. L. Clarke
United States District Court for the Southern District of New York
500 Pearl Street, Room 1040
New York, NY 10007

Re: *Bernstein, et al. v. JPMorgan Securities et al.*, No. 1:24-cv-03552-JGLC—
Chase's Letter Response to Plaintiffs' Objection (Doc. No. 43)

Dear Judge Clarke:

We represent JPMorgan Chase Bank, N.A. ("Chase") in the above-captioned action and write in response to Plaintiffs' Objection (the "Objection") to Chase's Motion for Reconsideration or, in the Alternative, for Certification for Interlocutory Appeal (the "Motion"). *See* Doc. No. 43.

Plaintiffs contend for the first time¹ in the Objection that Chase's "Motion exceeds the 10-page limit prescribed by Local Civil Rule 6.3 of the United States District Courts for the Southern and Eastern Districts of New York." *Id.* Plaintiffs are mistaken. The currently operative Local Civil Rule 6.3, effective January 2, 2025 and available on the website for the U.S. District Court for the Southern District of New York, provides that if a motion for reconsideration is "filed by an attorney or prepared with a computer, briefs in support of and in response to [that] motion may not exceed 3,500 words."² Your Honor's Individual Rules and Practices in Civil Cases do not change this word limit, as Rule 4(b), which covers page limits on memoranda of law in support of motions, "does not alter the page limits for motions for reconsideration set forth in Local Civil Rule 6.3." Chase's Motion thus fully complied with Local Civil Rule 6.3 as it contained 3,496 words, excluding the sections exempted by Local Civil Rule 7.1. *See* Doc. No. 40 at 16 (Certificate of Compliance as to word count). Necessarily, there is nothing left to "compel" Chase to do, as Plaintiffs urge of this Court, as the Motion has been properly submitted.

We thank the Court for its attention to the Motion and are of course available should the Court have any questions.

¹ The parties participated in a meet and confer yesterday afternoon regarding the joint proposed Case Management Plan and exchanged email correspondence relating to the revised briefing schedule on the Motion several times over the last few days. Plaintiffs' counsel had every opportunity to raise this matter but did not. Had Plaintiffs' counsel done so, counsel for Chase would have relayed the same information set forth in this letter and obviated the need to burden this Court with unnecessary letter writing.

² *See* S.D.N.Y. R. 6.3, https://www.nysd.uscourts.gov/sites/default/files/local_rules/2025-01-02%20Joint%20SDNY-EDNY%20Local%20Rules.pdf. (last visited April 22, 2025).

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Respectfully submitted,

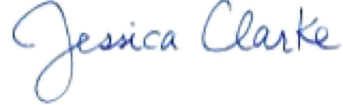
/s/ *Sylvia E. Simson*

Sylvia E. Simson

CC (by ECF): All counsel of record

Defendants are correct that the operative Local Civil Rule 6.3 limits Motion for Reconsideration briefs to 3,500 words, and no longer imposes a page limit. The Court will consider the brief as submitted. The Clerk of Court is respectfully directed to terminate ECF No. 43.

SO ORDERED.

A handwritten signature in blue ink that reads "Jessica Clarke". The signature is written in a cursive, flowing style.

JESSICA G. L. CLARKE
United States District Judge

Dated: April 23, 2025
New York, New York